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Chairman: Ms. WONG (New Zealand)
(Vice-Chairman)

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In the absence of Mr. Escovar-Salom (Venezuela), Ms. Wong (New Zealand), Vice-Chairman took the Chair.

The meeting was called to order at 3.05 p.m.

AGENDA ITEM 145: UNITED NATIONS DECADE OF INTERNATIONAL LAW (continued) (A/51/278 and Add.1; A/C.6/51/L.6 and Corr.1)

1. Mr. PREDA (Romania) said that his delegation endorsed the statement made by the representative of Ireland on behalf of the European Union and associate countries.

2. Romania had organized significant activities within the framework of the programme for the United Nations Decade of International Law. Firstly, it had concluded political treaties of friendship, cooperation and good-neighbourliness with various countries and was in the process of negotiating others. Secondly, his Government had endeavoured to promote respect for international law by encouraging its teaching in universities and schools, as reflected in the textbooks used, which devoted attention to particular topics and also addressed broader themes. He added that, during the Decade, more should be done to further the education of young people. In connection with the need for more effective action in the field of crime prevention and criminal justice, he highlighted the importance of the initiative of the Commission on Crime Prevention and Criminal Justice concerning the elaboration of conventions to combat international crime and illicit trafficking in children. Thirdly, elections had recently been held in his country, providing clear evidence of the progress made towards the rule of law. In addition, a whole series of activities had been organized in Romania concerning topics relevant to the Decade. Lastly, he underlined his Government's efforts to harmonize national legislation, particularly in the fields of human rights, environmental protection and finance, with the various rules and international standards adopted by the European Union and the Council of Europe. As had been recognized, international law could and should play a key role in world affairs.

3. Mr. MANYANG (Sudan) said that the closing term of the United Nations Decade of International Law should focus on the elaboration of new legal instruments and the completion of those on which work had already begun. It should also focus on full implementation of international legal principles, conventions and treaties with a view to ensuring the equality of States before international law and establishment of the foundations of international justice. Ever since its independence, the Sudan had endeavoured to promote international law and comply with its principles and requirements. It had also made positive contributions in various international forums where such law was formulated and developed, and had cooperated with United Nations organizations in clarifying the principles embodied in its laws and practices in regard to the protection of human rights.

4. Noting the technical and financial difficulties often involved in the process of accession to international treaties, he said that he supported the provision of assistance and technical advice to developing countries with a view to facilitating that process. Despite such difficulties, his country had nevertheless acceded to various international conventions and treaties. He also

thoroughly supported the promotion of means and methods for the peaceful settlement of disputes, including resort to and full respect for the International Court of Justice. In that connection, he drew attention to the principles of impartiality, honesty and transparency in dealings between States, as well as the importance of compliance with the principles of the Charter of the United Nations. He believed that the programme of activities for the closing term (1997-1999) of the Decade should urge States to accept the compulsory jurisdiction of the International Court of Justice and facilitate the means of strengthening the Court's jurisdiction. Lastly, having commended the role of the International Committee of the Red Cross in spreading awareness of humanitarian law, as well as of the need to comply with the principles of law and preserve the environment during armed conflict, he expressed appreciation for the part played by various United Nations bodies and international law institutes in strengthening international law in the interests of peace, security and cooperation.

5. Mr. RI (Democratic People's Republic of Korea), recalling the spirit in which the United Nations Decade of International Law had been launched, said that the persistent arbitrary violation of the sovereignty of other States and interference in their domestic affairs was regrettable, as was the adoption of double standards in the application of international law. The Decade provided a significant opportunity to establish a new international order, in which connection he stressed that strict observance of the principles of the Charter of the United Nations was imperative. It was equally imperative to ensure that equality and impartiality were observed in applying the basic principles and norms of international law.

6. Peaceful settlement of armed conflicts and disputes threatening global peace and security was among the most urgent tasks facing the international community. Military intervention could only result in a further deterioration in the situation. The Democratic People's Republic of Korea remained unchanged in its belief that international disputes should be settled peacefully through dialogue and negotiation in accordance with the principles of mutual respect, non-interference, equality and mutual benefit.

7. In consolidating the legal basis for the establishment of a new international order, it was important to extend existing norms of international law, so as to allow for their impartial application. In that process, strict observance of the basic principle of independence would provide a firm guarantee of the progressive development of international law and its effective implementation. If that basic principle was neglected and international laws containing clauses of a discriminatory nature were enacted, the development of international society would be hampered, vitiating the inherent purpose of international law. Relationships of domination and subjugation among States were unacceptable, and disputes between States could be settled only on the basis of mutual respect and equality.

8. His Government was making strenuous efforts to further encourage the study and dissemination of international law in his country, in order to contribute to the progressive development of international law. Basing its foreign policy on the ideals of independence, peace and friendship, the Democratic People's Republic of Korea would continue to adhere to the fundamental principles of

international law and would remain faithful to its international obligations in pursuit of global peace and security. His delegation called for enhanced cooperation among Member States as a means to achieving the objectives of the Decade.

9. Mr. ODOI-ANIM (Ghana) said that his country endorsed the principle of broader participation in multilateral treaties. However, developing countries lacked the financial resources and technical knowledge that would enable them to participate in the process of multilateral treaty-making. Consequently, Ghana was pleased that the programme of activities for the third term of the Decade had made provision for assistance and technical advice to developing countries in the sphere of multilateral treaty-making. In that connection, his delegation wished to express its appreciation to the International Maritime Organization and the Government of Malta for establishing the International Maritime Law Institute, which provided training in the areas of maritime and merchant shipping for lawyers from developing countries. Additional support from the private sector would enable the Institute to increase the number of participants from developing countries. Activities of the United Nations Drug Control Programme and the United Nations Environment Programme bearing on the provision of assistance and technical advice to developing countries in their respective fields were also to be commended.

10. His delegation noted with satisfaction the efforts made by the Treaty Section of the Office of Legal Affairs to facilitate effective dissemination of treaty information through global electronic gateways. It should be borne in mind, however, that not all Member States had the necessary infrastructure to avail themselves of information transmitted through electronic media. Consequently, the printed format must not be overlooked. Efforts should also be made to clear the printing backlog in respect of the United Nations Juridical Yearbook, and to ensure speedy translation of treaties registered with the Secretariat. The Treaty Section should continue its efforts to provide advice and assistance on treaty law and the technical aspects of treaties, and should do more to secure publication by international organizations of treaties concluded under their auspices.

11. His delegation noted with pleasure the increase in the number of applicants for the 1996 Hague Fellowship Programme. Increased financing should be made available to reduce the disparity between the number of applications received and the number of fellowships awarded.

12. His delegation also welcomed the progress made in the various activities of the United Nations relevant to the progressive development of international law and its codification, as indicated in part III of the report of the Secretary-General (A/51/278). In that regard, his delegation urged all States and other entities to utilize fully the pool of expertise available at the newly established International Tribunal for the Law of the Sea for the prevention and peaceful settlement of disputes during the fourth term of the Decade.

13. Mr. ROWE (Australia) said that his delegation welcomed the strong support expressed for the draft resolution regarding the United Nations Treaty Series introduced by Australia in the Working Group on the Decade of International Law. In view of that support and the universal importance of the subject matter, his

delegation was requesting that the Chairman should consider presenting the draft resolution to the Sixth Committee as a Chairman's text for adoption by consensus.

14. His delegation welcomed the efforts made by the Treaty Section to reduce the backlog in the publication of the United Nations Treaty Series, and the availability of the publication Multilateral Treaties Deposited with the Secretary-General on the Internet. However, much remained to be done. More than 40,000 treaties were registered with the Secretariat in accordance with Article 102 of the Charter. Approximately one quarter of those treaties were currently unpublished, representing an eight-year backlog. His delegation attached high priority to bringing the Treaty Series up to date, if possible by the beginning of the twenty-first century. It also strongly endorsed the plans of the Treaty Section to place the Treaty Series on-line via the Internet. However, the aim of the computerization programme was not to supersede publication in hard copy format. Both publications should continue to be available in hard copy at least until such time as Member States routinely used electronic means of publication.

15. While recognizing that it might eventually be possible to obtain revenue from the dissemination of the United Nations Treaty Series via the Internet, Australia firmly believed that access to treaty information registered with the Secretariat should not be limited to those who had the ability to pay for that information. As a minimum, Member States, United Nations agencies, other international organizations, academic institutions and non-governmental organizations accredited to the United Nations should have free Internet access to the Treaty Series.

16. The draft resolution submitted by Australia called upon Member States to submit treaties to the Treaty Section in disk format or through other electronic means, thereby enabling the Section to create an electronic database in which the treaty texts would be fully searchable. Fulfilment of the draft resolution's twin aims of bringing the Treaty Series up to date and disseminating via the Internet would be an apt conclusion to the United Nations Decade of International Law.

17. His delegation welcomed draft resolution A/C.6/51/L.6 entitled "1999 action dedicated to the centennial of the first International Peace Conference and to the closing of the United Nations Decade of International Law", and endorsed the aim of drafting a "programme of action" set forth in paragraph 1 thereof. It looked forward to working with the Netherlands and the Russian Federation towards the development of the programme's substantive content, and stressed the importance of developing activities to commemorate those occasions at the regional as well as the global level.

18. One of the main objectives of the Decade had been promotion of means and methods for the peaceful settlement of disputes between States, including resort to and full respect for the International Court of Justice (ICJ). While use of the Court had grown dramatically since the end of the cold war, ways must be found of further augmenting its jurisdiction through treaty provisions, mutual agreement of States or, more importantly, by expanding the number of Member States that had agreed to accept the Court's compulsory jurisdiction under

Article 36 of the Statute. Australia supported the call by the Secretary-General, in An Agenda for Peace, for all Member States to agree to compulsory jurisdiction by the end of the Decade of International Law. Attention must now be focused on how States could be persuaded to do so and on what obstacles stood in the way of that goal. To that end, in May 1996, a colloquium entitled "Fifty Years ICJ - the Court on the Eve of the Twenty-first Century" had been organized in Australia, with the support of the Australian and New Zealand Governments. The colloquium had provided a valuable forum for both countries' experts in the field of international law to examine the Court's role and performance since its establishment in 1945 and to consider its future role by canvassing reform proposals.

19. Mr. ENKHSAIKHAN (Mongolia) welcomed the interest shown by various international bodies and conferences in the progressive development and codification of international law, which required, more than ever, a comprehensive approach encompassing political, economic, environmental, humanitarian, cultural and disarmament activities. The work of the International Law Commission was particularly useful in filling the existing gaps in international law. Two important areas for international cooperation were the creation of a framework for a global environmental regime and the return of stolen or illegally exported cultural artefacts.

20. He welcomed progress in promoting the acceptance of multilateral treaties; his Government had acceded to 14 multilateral treaties and conventions since the beginning of the United Nations Decade of International Law, and expected to ratify the Comprehensive Nuclear-Test-Ban Treaty soon. His Government was fully committed to scrupulously implementing all treaties to which it was a party. The end of the cold war had made it possible for his Government to ensure fuller enjoyment of human rights throughout Mongolian society; several genuinely free elections had been held since the peaceful transition to democracy in 1990.

21. He welcomed the encouragement and support given by United Nations bodies and agencies for the teaching and dissemination of international law, particularly in developing countries. The Treaty Section of the Office of Legal Affairs was to be particularly commended for making the United Nations collection of treaties available to Member States in electronic format.

22. His Government had undertaken a number of specific steps aimed at attaining the objectives of the Decade. The teaching of international law was more widespread and up to date in Mongolia. A number of books on international law had been published and translated, including a textbook based on Mongolia's own unique history. However, Mongolia had very few experts on international law; its lawyers had been exposed to highly politicized legal education in the past seven decades, and needed retraining in the theory and practice of international law. His Government would therefore welcome any fellowships or scholarships to help in that retraining, especially with regard to the programmes organized within the framework of the Decade by various United Nations bodies and non-governmental organizations. His Government was planning to establish a national library of international law, and would greatly appreciate any assistance in the form of donations or advice.

23. His delegation welcomed the initiative of the Russian Federation to convene a peace conference in 1999 to commemorate the centenary of the first International Peace Conference and the closing of the Decade, which would contribute to the progressive development of international law, especially in areas such as environmental protection and liability for environmental damage. His Government was firmly committed to taking part in the activities planned for the final term of the Decade, and was confident that the Decade would make a significant contribution to the progressive development of international law, particularly in creating favourable legal conditions for the justice which was the basis for lasting peace.

24. An important area of international law which might be ripe for progressive development or codification, in the new post-cold-war political climate of broader international cooperation, was the area of international negotiations. International negotiations were the most flexible peaceful instrument for managing inter-State relations. However, for various reasons, including the confrontational mentality of the cold war period, the rules for conducting international negotiations, based on the fundamental principles of international law, had not yet been defined. The end of the cold war provided an opportunity to determine those rules. For far too long, international negotiations had been left to customary practice, which at times meant that the principles upon which they were based were given over to arbitrary interpretation, especially by the strong and powerful. Truly just and lasting solutions were more likely to be found if there was a uniform understanding of the accepted rules of negotiations, together with the necessary political will to reach a mutual agreement. The President of Mongolia, in his address to the General Assembly on the occasion of the fiftieth anniversary of the United Nations, had emphasized the importance of developing a set of ground rules for the pacific settlement of disputes, an idea further developed by Mongolia's Prime Minister in his recent address to the General Assembly when he had called on the international community to elaborate the guiding principles for conducting international negotiations.

25. The set of ground rules could take the form of a declaration by the General Assembly, as in the case of the 1970 Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations. The rules would require States to respect sovereign equality, negotiate on the basis of goodwill and commitment, refrain from intervening in the affairs of another State and refrain from bringing pressure to bear or any other action that might lead to the disruption of negotiations. The objectives of the negotiations should be in conformity with the principles of current international law, no preconditions should be imposed and the procedures agreed upon should be strictly observed. His delegation was prepared to work with other delegations to elaborate such a set of ground rules to be adopted by the General Assembly either in the form of a declaration, as already mentioned, or as a set of recommendations.

26. Mr. PEDRAZA (Bolivia), speaking on behalf of the Rio Group, welcomed the report of the Secretary-General on the United Nations Decade of International Law (A/51/278 and Add.1); part III offered a particularly useful overview of specific areas. Perhaps, in the future, part of the report could be devoted to the activities of international judicial bodies. The Governments of the Rio

Group would publicize the report and continue to cooperate in the activities of the United Nations Decade of International Law. They particularly welcomed the efforts of the International Committee of the Red Cross to clarify the content and implementation of international humanitarian law. Important developments in international law included the signing of the Comprehensive Nuclear-Test-Ban Treaty and steps to establish the International Tribunal for the Law of the Sea. He singled out for praise the work of the International Court of Justice, particularly for its advisory opinion on the legality of the threat or use of nuclear weapons.

27. He reiterated the Rio Group's strong objections to domestic laws and sanctions with extraterritorial effects that violated the fundamental principles of international law. He drew attention to the opinion of the Inter-American Juridical Committee (A/51/394) that the bases and implementation of the Helms-Burton Act were not in conformity with international law.

28. He called on all States to ratify the Convention on the Prevention and Punishment of the Crime of Genocide, and to withdraw any substantial reservations they might have to the instrument. The Governments of the Rio Group further supported the establishment of an international criminal court.

29. He commended the Treaty Section of the Office of Legal Affairs for its use of information technology to make treaty information more easily available to more users. He also welcomed its efforts to update the electronic registration of treaties. He wished to emphasize the importance of having the extremely useful Multilateral Treaties Deposited with the Secretary-General available in all the official languages of the United Nations. Furthermore, while he welcomed the decision of the International Law Commission to publish a collection of essays by its members in English and French as a contribution to the Decade of International Law, an effort should be made to have the essays translated into, at least, the other official languages, to remove one of the most important obstacles to the dissemination of international law.

30. The rule and observance of international law was the most effective way to create a stable international order. As recent events had shown, international law was a vital tool for achieving peace, security and development.

The meeting rose at 4.30 p.m.